

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE CATTLE ANTITRUST
LITIGATION

Case No. 19-cv-1222-JRT-HB

This document relates to:

ALL CASES

IN RE DPP BEEF LITIGATION

Case No. 0:20-cv-1319-JRT-HB

This document relates to:

ALL CASES

ERBERT & GERBERT'S, INC.,

Case No. 0:20-cv-01414-JRT-HB

Plaintiff,

v.

CARGILL, INC., et al.,

Defendants.

PETERSON, et al.

Case No. 0:19-cv-01129-JRT-HB

Plaintiffs,

v.

JBS S.A, et al.,

Defendants.

**Defendants Tyson Foods, Inc. and Tyson Fresh Meats, Inc.'s
Motion to Dismiss**

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PLEASE TAKE NOTICE that Defendants Tyson Foods, Inc. and Tyson Fresh Meats, Inc. (together, “Tyson Defendants”), by and through their attorneys, Dykema Gossett PLLC and Perkins Coie LLP, bring this Motion to Dismiss Plaintiffs’ claims¹ against Tyson Defendants pursuant to Federal Rule of Civil Procedure 12(b)(6). Tyson Defendants’ Memorandum of Law and all further supporting documents will be filed and served in accordance with the Local Rules.

¹ Third Consolidated Amended Class Action Complaint (Dec. 28, 2020), ECF No. 312, In Re Cattle Antitrust Litigation, Case No 0:19-cv-01222-JRT-HB [herein-after “Cattle Complaint”]; Corrected Third Amended Class Action Complaint (Jan. 27, 2021), ECF No. 257, Peterson v. JBS S.A., et. al., Case No. 0:19-cv-01129-JRT-HB [hereinafter “Peterson Complaint”]; Corrected Amended Class Action Complaint (Jan. 27, 2021), ECF No. 125, Erbert & Gerbert’s Inc v. Car-gill, Inc. et. al., Case 0:20-cv-01414-JRT-HB [hereinafter “Erbert Complaint”]; Direct Purchaser Plaintiffs’ Consolidated Amended Complaint (Jan. 27, 2021), ECF No. 142, In Re DPP Beef Litigation, Case 0:20-cv-01319-JRT-HB [herein-after “DPP Complaint”].

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Date: February 18, 2021

Respectfully submitted,

/s/ David P. Graham

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